	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.		DATE OF AWARD 06/26/2008		
			PRG C9 -	DOC ID 96977501		AMEND# - 2	
			TYPE OF ACTION Augmentation: Increase			MAILING DATE 07/03/2008	
			PAYMENT METHOD: Advance			ACH# 90103	
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423				
RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754			PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410				
PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: marie.barry@washoetribe.us Phone: 775-265-8682		EPA PROJECT OFFICER Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephanie@epamail.epa.gov Phone: 775-885-6190		EPA GRANT SPECIALIST GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epamail.epa.gov Phone: 415-972-3661			
PROJECT TITLE AND EXPLANATION OF CHANGES NONPOINT SOURCE MANAGEMENT PROGRAM This program seeks to implement the goals and objectives of the Washoe Tribe's Nonpoint Source Management Plan. The purpose of this program is to help reduce nonpoint source pollution in tribal waters through development of tribal capacity to manage the program and to develop and implement management plans (including the closure of 1-2 abandoned wells) to minimize impacts to water resources. The program will also work to educate the tribal community on the importance of water quality protection. This amendment increases the EPA funding amount by \$30,000 and extends the budget and project period ending dates to December 31, 2009. See revised terms and conditions.							
BUDGET PERIOD 07/01/2006 - 12/31/2009		PROJECT PERIOD 07/01/2006 - 12/31/2009		TOTAL BUDGET PERIOD COST \$266,666.00			
				TOTAL PROJECT PERIOD COST \$266,666.00			
NOTICE OF AWARD Based on your application dated 05/05/2008, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$30,000. EPA agrees to cost-share <u>90.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$240,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-10 75 Hawthorne Street San Francisco, CA 94105				
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY							
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Carolyn Truong, Grants Management Officer		DATE 06/26/2008			
AFFIRMATION OF AWARD							
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION							
SIGNATURE		TYPED NAME AND TITLE Waldo W. Walker, Chairman		DATE			

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 210,000	\$ 30,000	\$ 240,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 23,333	\$ 3,333	\$ 26,666
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 233,333	\$ 33,333	\$ 266,666

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 319(h)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	0809W0E053	08	E1C	09LA0D5	202B01E	4117			30,000
									30,000



Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$114,829
2. Fringe Benefits	\$37,199
3. Travel	\$6,742
4. Equipment	\$13,658
5. Supplies	\$3,710
6. Contractual	\$62,433
7. Construction	\$0
8. Other	\$13,727
9. Total Direct Charges	\$252,298
10. Indirect Costs: % Base various rates apply	\$14,368
11. Total (Share: Recipient 10.00 % Federal 90.00 %.)	\$266,666
12. Total Approved Assistance Amount	\$240,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$30,000
15. Total EPA Amount Awarded To Date	\$240,000

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. In accordance with 40 CFR 35.635, EPA approves the Washoe Tribe of NV and CA's request for a financial hardship waiver. This approval reduces the Tribe's non-federal match from 40% to 10% for this assistance agreement.	\$
2.	\$
3. Recipient has made satisfactory progress during the previous fiscal year in meeting the milestones specified in the NPS Management Plan.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$



Administrative Conditions

Administrative Condition 13 in Amendment #1 is being revised as follows:

13. The recipient will provide timely reporting of cash disbursements and balances through annual submission (January - December) of a Federal Cash Transactions Report (SF272 and SF272A). The appropriate reports must be submitted to the Las Vegas Finance Center within 15 working days following the end of each calendar year. The recipient may access these forms and the instructions for submission at <http://www.epa.gov/ocfo/finservices/payinfo.htm>.

All other Administrative Conditions remain unchanged.

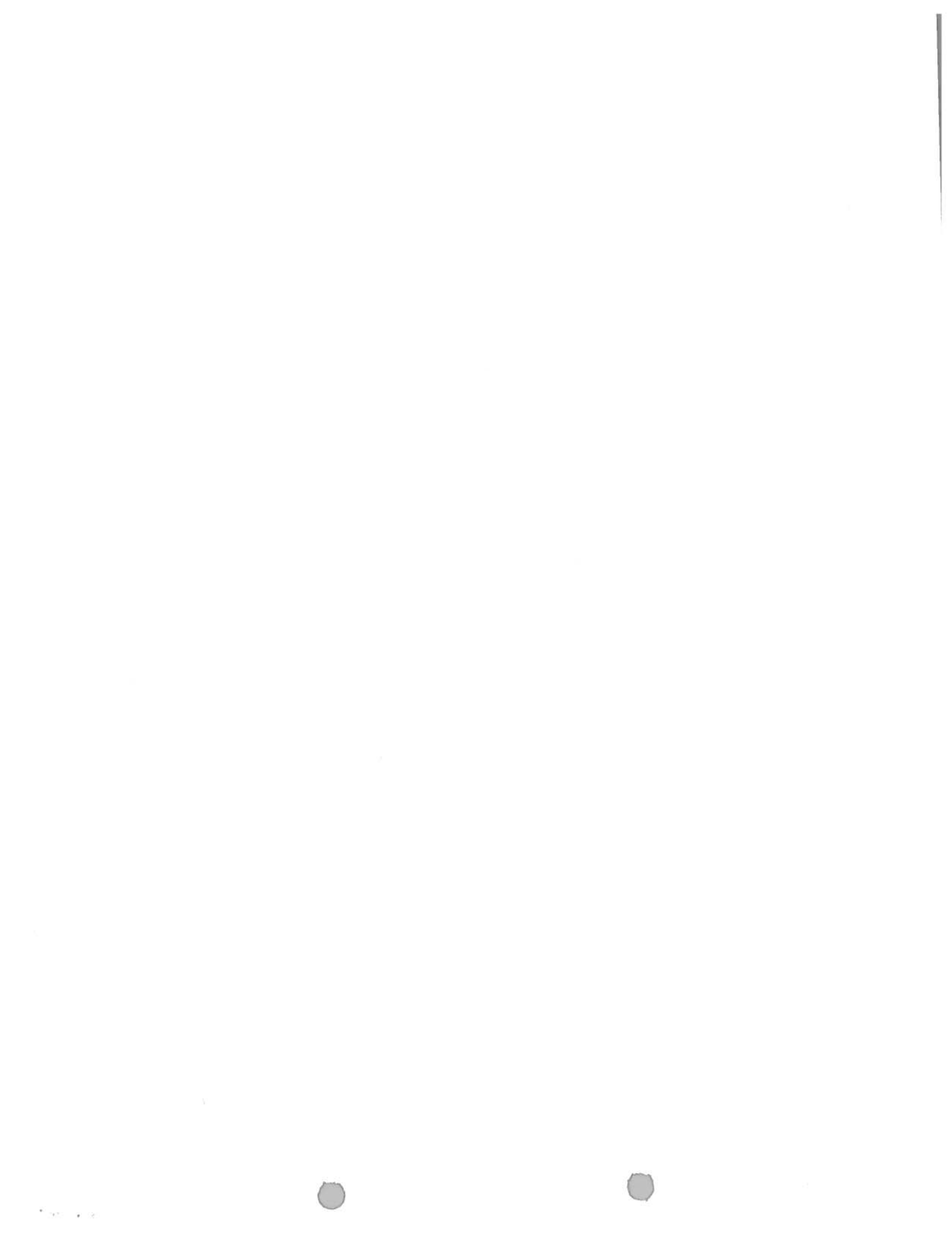
Programmatic Conditions

Programmatic Condition P4 in initial award is being revised as follows:

P4. The grantee shall prepare and submit quarterly progress reports to self evaluate and to joint evaluate annual performance under the grant including: status of each workplan goal, task, deliverable; status of expenditures for the reporting period; summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance; and tasks not on schedule and proposed dates of completion. Each report is due on the 30th day after the end of the quarter i.e., January 30, April 30, July 30, and October 30. The recipient shall submit a final report within 90 days of the end of the project period.

All other Programmatic Conditions remain unchanged.

----- END OF DOCUMENT -----





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Assistance Agreement or Amendment

Enclosed are three electronically signed originals of an Assistance Agreement or Amendment from the U.S. Environmental Protection Agency. Please review all terms and conditions carefully.

Within 21 days of receipt, sign and date two originals in the Affirmation of Award section, and return the original marked "**RETURN TO EPA**" to the address below.

U.S. Environmental Protection Agency
Region 9
Grants Management Office, MTS-7
75 Hawthorne Street
San Francisco, CA 94105

The **second signed original** should be retained for your official records. The **third original** is provided for you to copy and distribute to **your Project Manager** (found on page 1 on the award), **Finance/Fiscal Officer**, and any other appropriate personnel as required in your organization.

If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grants Specialist. Both contacts are shown on page 1 of the award. You may also access our Region 9 website at:

<http://www.epa.gov/Region9/funding>

For information regarding payments and financial reports, please refer to the following website for the Las Vegas Finance Center:

<http://www.epa.gov/ocfo/financeservices/payinfo.htm>

1/19/2007



U.S. ENVIRONMENTAL PROTECTION AGENCY

Assistance Amendment

ASSISTANCE ID NO.

PRG	DOC ID	AMEND#
C9	96977501	- 1

DATE OF AWARD
06/29/2007

TYPE OF ACTION
Augmentation: Increase

MAILING DATE
07/06/2007

PAYMENT METHOD:
Advance

ACH#

RECIPIENT TYPE:
Indian Tribe

Send Payment Request to:
Las Vegas Finance Center, Fax (702) 798-2423

RECIPIENT:

Washoe Tribe of NV & CA
919 Highway 395 South
Gardnerville, NV 89410
EIN: 88-0120754

PAYEE:

Washoe Tribe of NV & CA
919 Highway 395 South
Gardnerville, NV 89410

PROJECT MANAGER

Marie Barry
919 Highway 395 South
Gardnerville, NV 89410
E-Mail: marie.barry@washoetribe.us
Phone: 775-265-8682

EPA PROJECT OFFICER

Stephanie Wilson
75 Hawthorne Street, WTR-10
San Francisco, CA 94105
E-Mail: Wilson.Stephannie@epamail.epa.gov
Phone: 775-885-6190

EPA GRANT SPECIALIST

GwenL Brown
Grants Management Office, MTS-7
E-Mail: Brown.GwenL@epamail.epa.gov
Phone: 415-972-3661

PROJECT TITLE AND EXPLANATION OF CHANGES

NONPOINT SOURCE MANAGEMENT PROGRAM

This amendment is providing additional federal funds in the amount of \$30,000. The revised total federal amount is \$210,000. The purpose of this program is to assist in implementation of the approved Nonpoint Source Management Plan for the tribe and reduce nonpoint source pollution. Specifically, the tribe will train nonpoint source staff and update the Management Plan to include the 9 watershed based plan elements from the nonpoint source guidance. The amendment also extends the project and budget ending dates to 6/30/08.

BUDGET PERIOD

07/01/2006 - 06/30/2008

PROJECT PERIOD

07/01/2006 - 06/30/2008

TOTAL BUDGET PERIOD COST

\$233,333.00

TOTAL PROJECT PERIOD COST

\$233,333.00

NOTICE OF AWARD

Based on your application dated 04/06/2007, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$30,000. EPA agrees to cost-share 90.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$210,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS

U.S. EPA, Region 9
Grants Management Office, MTS-7
75 Hawthorne Street
San Francisco, CA 94105

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, Region 9
Water Division, WTR-1
75 Hawthorne Street
San Francisco, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

Digital signature applied by EPA Award Official

TYPED NAME AND TITLE

Carolyn Truong, Grants Management Officer

DATE

06/29/2007

AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Waldo W. Walker, Chairman

DATE

C9 - 96977501 - 1 Page 2

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 319(h)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	0709W0E081	07	E1C	09LA0D5	202B01E	4183			30,000
									30,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$102,414
2. Fringe Benefits	\$31,204
3. Travel	\$4,763
4. Equipment	\$13,658
5. Supplies	\$3,460
6. Contractual	\$52,313
7. Construction	\$0
8. Other	\$13,277
9. Total Direct Charges	\$221,089
10. Indirect Costs: % Base <u>SEE CONDITION #6</u>	\$12,244
11. Total (Share: Recipient <u>10.00</u> % Federal <u>90.00</u> %.)	\$233,333
12. Total Approved Assistance Amount	\$210,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$30,000
15. Total EPA Amount Awarded To Date	\$210,000

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. In accordance with 40 CFR 35.635, EPA approves the Washoe Tribe of NV and CA's request for a financial hardship waiver. This approval reduces the Tribe's non-federal match from 40% to 10% for this assistance agreement.	\$
2.	\$
3.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

Administrative Conditions

TERMS AND CONDITIONS REMAIN THE SAME EXCEPT ADMINISTRATIVE TERM AND CONDITION 13 AND 14 ARE ADDED.

13. The recipient will provide timely reporting of cash disbursements and balances through semi-annual submission of a Federal Cash Transactions Report (SF272 and SF272A). The appropriate reports must be submitted to the Las Vegas Finance Center within 15 working days following the end of the semi-annual periods ending June 30 and December 31 of each year. The recipient may access these forms and the instructions for submission at <http://www.epa.gov/ocfo/finservices/payinfo.htm>.

14. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

Programmatic Conditions

TERMS AND CONDITIONS REMAIN THE SAME EXCEPT PROGRAMMATIC CONDITION P5 IS ADDED.

P5. Any management practices implemented for the project must be properly operated and maintained for the intended purposes during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functions as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail. Management practices and projects that are damaged or destroyed due to a natural disaster (e.g., earthquakes, storm events, floods, etc) or events beyond the control of the grantee are exempt from this condition.

-- END OF DOCUMENT --



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

COPY

SEP 15 2006

Certified Mail -Return Receipt

A. Brian Wallace, Chairman
Washoe Tribe of California and Nevada
919 Highway 395 South
Gardnerville, NV 89410

Re: Grant ID #: C9-96977501-0
PROGRAM: FY-07 Nonpoint Source Management Program

Dear Chairman Wallace:

The United States Environmental Protection Agency (EPA) is pleased to approve the program described in the enclosed agreement. **If you wish to accept this offer, please sign and date both enclosed agreements and return one signed original to the Grants Management Office, MTS-7, within three weeks.** The agreement which is marked *Recipient's Copy* should be retained for your records.

Please read the enclosed Agreement and the conditions prior to your acceptance. If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grant Specialist.


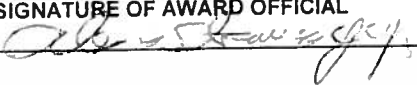

Sincerely,

A handwritten signature in cursive script, appearing to read "Alexis Strauss".

Alexis Strauss
Director
Water Division

Enclosures

cc: Marie Barry, Washoe Tribe of NV and CA (w/attach)
Pauline Howe, Washoe Tribe of NV and CA (w/attach)

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	ASSISTANCE ID NO.			DATE OF AWARD SEP 08 2006
		PRG	DOC ID	AMEND#	
		C9 - 96977501 - 0			MAILING DATE SEP 15 2006
		TYPE OF ACTION New			
PAYMENT METHOD: Advance			ACH#		
RECIPIENT TYPE: Indian Tribe		Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423			
RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754		PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410			
PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: Phone: 775-265-8682		EPA PROJECT OFFICER Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephannie@epamail.epa.gov Phone: 775-885-6190		EPA GRANT SPECIALIST GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epamail.epa.gov Phone: 415-972-3661	
PROJECT TITLE AND DESCRIPTION Nonpoint Source Management Plan - Washoe Tribe of NV & CA This program is designed to continue to implement the nonpoint source program for the Washoe Tribe through FY07. The purpose of this program is for the Washoe Tribe to reduce pollution from urban and stormwater runoff by implementing erosion control, removal of stormdrains, installation of sediment retentions basins, revegetation and increase tribal public knowledge of pollution control strategies. This award provides full EPA funding in the amount of \$180,000. Preaward costs have been approved back to July 1, 2006.					
BUDGET PERIOD 07/01/2006 - 12/31/2007		PROJECT PERIOD 07/01/2006 - 12/31/2007		TOTAL BUDGET PERIOD COST \$200,000.00	
				TOTAL PROJECT PERIOD COST \$200,000.00	
NOTICE OF AWARD					
Based on your application dated 05/16/2006, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$180,000. EPA agrees to cost-share 90.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$180,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Tribal Office, Water Division 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Alexis Strauss, Director - Water Division		DATE SEP 08 2006	
AFFIRMATION OF AWARD					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE 		TYPED NAME AND TITLE A. Brian Wallace, Chairman		DATE	

EPA Funding Information

C9 - 96977501 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 180,000	\$ 180,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 20,000	\$ 20,000
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 200,000	\$ 200,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66 460 - Nonpoint Source Implementation	Clean Water Act. Sec. 319(h)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	W0E108	2006	E1	09LA0D5	202B01E	4183			180,000
									180,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$81,645
2. Fringe Benefits	\$24,296
3. Travel	\$2,888
4. Equipment	\$13,658
5. Supplies	\$2,960
6. Contractual	\$52,313
7. Construction	\$0
8. Other	\$12,765
9. Total Direct Charges	\$190,525
10. Indirect Costs: 9 23% Base See Award Condiiton #6.	\$9,475
11. Total (Share: Recipient 10.00 % Federal 90.00 %.)	\$200,000
12. Total Approved Assistance Amount	\$180,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$180,000
15. Total EPA Amount Awarded To Date	\$180,000

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. In accordance with 40 CFR 35.635, EPA approves the Washoe Tribe of NV and CA's request for a financial hardship waiver. This approval reduces the Tribe's non-federal match from 40% to 10% for this assistance agreement.	\$
2.	\$
3.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

Administrative Conditions

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to June 30 of each calendar year shall be submitted to the Grants Management Office, MTS-7, no later than September 30 of the same calendar year. The final FSR covering the entire project period shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 31.23(b)).
2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
3. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required.
4. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

5. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:
 - a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;
 - b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;
 - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;
 - d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;
 - e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and

f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.

6. The recipient's last approved indirect cost rate has expired. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI).

7. When procuring services, equipment, and/or supplies under this assistance agreement, the recipient will follow the same policies and procedures it uses for procurements from its non-Federal funds. The recipient will follow their own procurement policies and procedures provided that the policies and procedures conform with EPA regulations 40 CFR Part 31.36 or 30.44 (as applicable) which state that all procurement transactions will be conducted in a manner providing full and open competition.

8. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

9. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

10. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

11. Payment to consultants. Per 40 CFR **Part 31.36(j)**, EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2006, the rate is \$548.08 per day and \$68.51 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

12. The recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

Programmatic Conditions

P1. This grant includes the performance of environmental measurements. A Quality Assurance Plan was approved by the Washoe Tribe of Nevada and California and EPA on November 113, 2000. However, there are new measurements activities which are planned which are not covered by the existing document, therefore either a new QA Plan must be prepared or else the existing QA Plan must be amended or modified to reflect these new measurements. The recipient should consult with the Region 9 Quality Assurance Office to determine what type of QA documentation would be most appropriate and what QA guidance should be followed. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at 415-972-3411.

P2. This grant work program is subject to the statutory "satisfactory progress" provision prescribed in Section 319(h)(8) and the EPA policy on Performance Based Assistance (May 31, 1985).

P3. Modifications to the approved workplan, including changes, additions, or deletions, shall be submitted in a timely manner to EPA for approval.

P4. The grantee shall prepare and submit quarterly progress reports to self evaluate and to jointly evaluate annual performance under the grant including: status of each workplan goal, task, deliverable; status of expenditures for the reporting period; summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance and tasks not on schedule and proposed dates of completion. Each report is due on the 30th day after

the end of the quarter i.e., January 30, 2007, April 30, 2007, July 30, 2007, and October 30, 2007. The recipient shall submit a final report within 90 days of the end of the project period.

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